

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

**DECLARATION OF JASON G. SHEASBY IN SUPPORT OF
PLAINTIFF NETLIST, INC.'S OPPOSITION TO DEFENDANTS' MOTION
TO STRIKE EXPERT TESTIMONY OF DR. MANGIONE-SMITH (DKT 282)**

I, Jason G. Sheasby, declare as follows:

1. I am an attorney at the law firm of Irell & Manella LLP, counsel of record for Plaintiff Netlist, Inc. (“Netlist”) in the above-captioned action. I am a member in good standing of the State Bar of California and have been admitted to practice *pro hac vice* before this Court in this action. I provide this declaration in support of Netlist Inc.’s Opposition to Defendants’ Motion to Strike Testimony of Dr. Mangione-Smith. I have personal knowledge of the facts stated herein, and could and would testify completely thereto if called as a witness in this matter.

2. Attached as **Exhibit 1** is a true and correct excerpted copy of Exhibit B to the Opening Expert Report of Dr. Mangione-Smith.

3. Attached as **Exhibit 2** is a true and correct excerpted copy of the Pretrial Conference Hearing Transcript, Vol. 2, from the Netlist v. Samsung litigation, Case No. 2:21-cv-462-JRG (“Samsung I”).

4. Attached as **Exhibit 3** is a true and correct copy of an email produced in this litigation, Bates numbered NL-MIC-203_00042009.

5. Attached as **Exhibit 4** is a true and correct copy of an email produced in this litigation, Bates numbered NL-MIC-203_00042083.

6. Attached as **Exhibit 5** is a true and correct excerpted copy of the deposition transcript of Noel Whitley from ITC case 337-TA-1033, dated February 3, 2017, Bates numbered NL-MIC-203_00046468 - 6619.

7. Attached as **Exhibit 6** is a true and correct excerpted copy of the deposition transcript of Chuck Hong, dated September 20, 2023.

8. Attached as **Exhibit 7** is a true and correct excerpted copy of the deposition transcript of Scott Milton, dated September 1, 2023.

9. Attached as **Exhibit 8** a true and correct copy of the declaration of Scott Milton dated November 27, 2023.

10. Attached as **Exhibit 9** is a true and correct excerpted copy of JEDEC Manual JM21U, dated December 2022.

11. Attached as **Exhibit 10** is a true and correct excerpted copy of the Rebuttal Expert Report of Matthew Lynde, dated October 30, 2023.

12. Attached as **Exhibit 11** is a true and correct excerpted copy of Exhibit C to Netlist's Preliminary Infringement Contentions.

13. Attached as **Exhibit 12** is a true and correct excerpted copy of Exhibit D to Netlist's Preliminary Infringement Contentions.

14. Attached as **Exhibit 13** is a true and correct excerpted copy of Defendants' Fourth Supplemental Responses and Objections to Plaintiff Netlist Inc.'s First Set of Interrogatories, dated September 14, 2023.

15. Attached as **Exhibit 14** is a true and correct excerpted copy of the deposition transcript of Boe Holbrook, dated August 30, 2023.

16. Attached as **Exhibit 15** is a true and correct excerpted copy of the deposition transcript of Frank Ross, dated August 17, 2023.

17. Attached as **Exhibit 16** is a true and correct excerpted copy of the deposition transcript of Harold Stone, dated June 26, 2023.

18. Attached as **Exhibit 17** is a true and correct excerpted copy of Defendants' Third Supplemental Responses and Objections to Plaintiff Netlist, Inc.'s First Set of Interrogatories.

19. Attached as **Exhibit 18** is a true and correct excerpted copy of Plaintiff Netlist Inc.'s Second Supplemental Responses and Objections to Defendants' First Set of Interrogatories.

20. Attached as **Exhibit 19** is a true and correct copy of Plaintiff Netlist, Inc.'s Disclosure of Asserted Claims and Infringement Contentions, dated September 8, 2022.

21. Attached as **Exhibit 20** is a true and correct excerpted copy of Exhibit F to the

Opening Expert Report of Dr. Mangione-Smith.

22. Attached as **Exhibit 21** is a true and correct excerpted copy of Plaintiff Netlist, Inc.'s Third Supplemental Responses and Objections to Defendants' First Set of Interrogatories, dated September 20, 2023.

23. Attached as **Exhibit 22** is a true and correct excerpted copy of the deposition transcript of Robert Beal, dated September 20, 2023.

24. Attached as **Exhibit 23** is a true and correct excerpted copy of the deposition transcript of Dave Westergard, dated September 15, 2023.

25. Attached as **Exhibit 24** is a true and correct excerpted copy of the Rebuttal Expert Report of Dr. Mangione-Smith, dated October 29, 2023.

26. Attached as **Exhibit 25** is a true and correct excerpted copy of a presentation produced in this litigation, Bates numbered NL-MIC-203_00042010 – 2042.

27. Attached as **Exhibit 26** is a true and correct copy of the declaration of Noel Whitley, dated November 27, 2023.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 28, 2023, in Los Angeles, California.

By */s/ Jason G. Sheasby*

Jason G. Sheasby